

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION

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In re: Chapter 11

BUHRE BEVERAGE DISTRIBUTION, INC. Case No.: 14-22048(rdd)

Debtor.

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In re:

WILLIAM SANCHEZ,

Adv. Pro. No.: 14-08218(rdd)

Plaintiff,

-against-

BUHRE BEVERAGE DISTRIBUTION, INC.
BHAVEEN SAPRA, BRUCKNER BEVERAGE, INC.
and PEPSI COLA BOTTLING COMPANY OF NEW
YORK, INC.

Defendants.

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Defendants, Buhre Beverage Distribution, Inc., Bhaveen Sapra and Bruckner Beverage, Inc. (collectively referred to as "Defendants") by their attorney, Penachio Malara, LLP, for their Answer to the Plaintiff's complaint set forth as follows:

1. Defendants admit the allegations set forth in Paragraph 1 of the Complaint.
2. Defendants admit the allegations set forth in Paragraph 2 of the Complaint.
3. Defendants admit the allegations set forth in Paragraph 3 of the Complaint.
4. Defendants admit the allegations set forth in Paragraph 4 of the Complaint.
5. Defendants admit the allegations set forth in Paragraph 5 of the Complaint.
6. Defendants admit the allegations set forth in Paragraph 6 of the Complaint.
7. Defendants admit the allegations set forth in Paragraph 7 of the Complaint.

8. Defendants admit the allegations set forth in Paragraph 8 of the Complaint.
9. Defendants admit the allegations set forth in Paragraph 9 of the Complaint.
10. Defendants admit the allegations set forth in Paragraph 10 of the Complaint.
11. Defendants deny knowledge and information sufficient to form a belief as to the truth of each and every allegation set forth in paragraphs 11 of the Complaint.
12. Defendants admit the allegations set forth in Paragraph 12 of the Complaint.
13. Defendants admit that allegation set forth in Paragraph 13 of the Complaint that Sanchez decided to sell the Pepsi route but lack information regarding when that decision was made.
14. Defendants admit the allegations set forth in Paragraph 14 of the Complaint.
15. Defendants deny the allegations set forth in Paragraph 15 of the Complaint.
16. Defendants admit the allegations set forth in Paragraph 16 of the Complaint.
17. Defendants admit the allegation set forth in Paragraph 17 of the Complaint that Pepsi denied B. Sapra's application but deny information as to why.
18. Defendants deny the allegations set forth in Paragraph 18 of the Complaint.
19. Defendants deny knowledge and information sufficient to form a belief as to the truth of each and every allegation set forth in paragraphs 19 of the Complaint.
20. Defendants admit the allegations set forth in Paragraph 20 of the Complaint.
21. Defendants admit the allegations set forth in Paragraph 21 of the Complaint.
22. Defendants deny the allegations set forth in Paragraph 22 of the Complaint.
23. Defendants deny the allegations set forth in Paragraph 23 of the Complaint.
24. Defendants deny the allegations set forth in Paragraph 24 of the Complaint.
25. Defendants admit the allegations set forth in Paragraph 25 of the Complaint.

26. Defendants deny information to answer the allegations set forth in Paragraph 26 of the Complaint.

27. Defendants deny the allegations as set forth in Paragraph 27 of the Complaint and assert that the documents speak for themselves.

28. Defendants deny the allegations set forth in Paragraph 28 of the Complaint.

29. Defendants deny the allegations set forth in Paragraph 29 of the Complaint.

30. Defendants deny the allegations set forth in Paragraph 30 of the Complaint.

31. Defendants deny the allegations set forth in Paragraph 31 of the Complaint.

32. Defendants deny the allegations set forth in Paragraph 32 of the Complaint.

33. Defendants deny the allegations set forth in Paragraph 33 of the Complaint.

34. Defendants deny the allegations set forth in Paragraph 34 of the Complaint.

35. Defendants deny the allegations set forth in Paragraph 35 of the Complaint.

36. Defendants deny the allegations set forth in Paragraph 36 of the Complaint.

37. Defendants deny the allegations set forth in Paragraph 37 of the Complaint.

38. Defendants deny the allegations set forth in Paragraph 38 of the Complaint.

39. Defendants deny the allegations set forth in Paragraph 39 of the Complaint.

40. Defendants deny the allegations set forth in Paragraph 40 of the Complaint.

41. Defendants deny the allegations set forth in Paragraph 41 of the Complaint.

42. Defendants deny the allegations set forth in Paragraph 42 of the Complaint.

43. Defendants deny knowledge and information sufficient to form a belief as to the truth of each and every allegation set forth in paragraphs 43 of the Complaint.

44. Defendants deny knowledge and information sufficient to form a belief as to the truth of each and every allegation set forth in paragraphs 44 of the Complaint.

- 45. Defendants deny the allegations set forth in Paragraph 45 of the Complaint.
- 46. Defendants deny the allegations set forth in Paragraph 46 of the Complaint.
- 47. Defendants deny the allegations set forth in Paragraph 47 of the Complaint.
- 48. Defendants deny the allegations set forth in Paragraph 48 of the Complaint.

AS AND FOR THE FIRST CLAIM FOR RELIEF

49. Defendants repeat and reiterate the assertions set forth in paragraph 1 through 48 hereof as if set forth in their entirety.

- 50. Defendants deny the allegations set forth in Paragraph 50 of the Complaint.
- 51. Defendants deny the allegations set forth in Paragraph 51 of the Complaint.
- 52. Defendants deny the allegations set forth in Paragraph 52 of the Complaint.
- 53. Defendants deny the allegations set forth in Paragraph 53 of the Complaint.
- 54. Defendants deny the allegations set forth in Paragraph 54 of the Complaint.
- 55. Defendants deny the allegations set forth in Paragraph 55 of the Complaint.
- 56. Defendants deny the allegations set forth in Paragraph 56 of the Complaint.

AS AND FOR A SECOND CAUSE OF ACTION

57. Defendants repeat and reiterate the assertions set forth in paragraph 1 through 56 hereof as if set forth in their entirety.

- 58. Defendants deny the allegations set forth in Paragraph 58 of the Complaint.
- 59. Defendants deny the allegations set forth in Paragraph 59 of the Complaint.
- 60. Defendants admit the allegations set forth in Paragraph 60 of the Complaint.
- 61. Defendants deny the allegations set forth in Paragraph 61 of the Complaint.
- 62. Defendants admit the allegations set forth in Paragraph 62 of the Complaint but deny that Sanchez has a security interest.

- 63. Defendants deny the allegations set forth in Paragraph 63 of the Complaint.
- 64. Defendants deny the allegations set forth in Paragraph 64 of the Complaint.
- 65. Defendants deny the allegations set forth in Paragraph 65 of the Complaint.
- 66. Defendants deny the allegations set forth in Paragraph 66 of the Complaint.
- 67. Defendants deny the allegations set forth in Paragraph 67 of the Complaint.
- 68. Defendants deny the allegations set forth in Paragraph 68 of the Complaint.
- 69. Defendants deny the allegations set forth in Paragraph 69 of the Complaint.
- 70. Defendants deny the allegations set forth in Paragraph 70 of the Complaint.

AS AND FOR A THIRD CAUSE OF ACTION

71. Defendants repeat and reiterate the assertions set forth in paragraph 1 through 70 hereof as if set forth in their entirety.

- 72. Defendants deny the allegations set forth in Paragraph 72 of the Complaint.
- 73. Defendants deny the allegations set forth in Paragraph 73 of the Complaint.
- 74. Defendants deny the allegations set forth in Paragraph 74 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

75. Defendants repeat and reiterate the assertions set forth in paragraphs 1 through 75 of the Complaint.

76. The Complaint, and each purported cause of action alleged therein, fails to state facts sufficient to constitute a cause of action against which relief should be granted.

SECOND AFFIRMATIVE DEFENSE

77. Defendants repeat and reiterate the assertions set forth in paragraph 1 through 76 hereof as if set forth in their entirety.

78. Plaintiff is barred and precluded from obtaining any of the relief requested in the

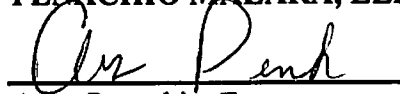
complaint, in whole or in part, by virtue of application of the doctrines of waiver, estoppel, and acquiescence.

WHEREFORE, Defendants demand judgment in their favor as follows:

- I. dismissing the complaint against Defendants on the merits and with prejudice;
- II. awarding them costs and disbursements of this action.

Dated: White Plains, New York
June 11, 2014

PENACHIO MALARA, LLP



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